



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 91.M1002WO41 | FOR FURTHER ACTION See Form PCT/PEA/416 | |
| International application No. PCT/AT2004/000313 | International filing date (day/month/year) 27.05.2004 | Priority date (day/month/year) 30.01.2004 |
| International Patent Classification (IPC) or national classification and IPC A23L1/212, A23L2/04 | | |
| Applicant SIG TECHNOLOGY, LTD. | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | |
| Date of submission of the demand 02.08.2005 | Date of completion of this report 24.01.2006 | |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | Authorized Officer Vuillamy, V Telephone No. +31 70 340-  | |

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IT2004/000313

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-7 as originally filed

Claims, Numbers

1-6 as originally filed

Drawings, Sheets

1/1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/T2004/000313

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------------|
| Novelty (N) | Yes: Claims | 3, 5 |
| | No: Claims | 1, 2, 4, 6 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-6 |
| Industrial applicability (IA) | Yes: Claims | 1-6 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

PCT/IT2004/000313

Re Item V**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

The following documents are referred to:

D1: US-A-3 083 634
D3: EP-A-0 850 572
D5: EP-A-0 888 718
D7: GB-A-1 339 939

D2: GB 868 973 A
D4: GB-A-1 197 807
D6: FR-A-2 638 064

V.1/ The present application does not meet the requirements of Article 33 PCT because the subject-matter of claims 1, 2, 4 and 6 is not new in the sense of Article 33(2) PCT.

Remark The feature 'stationing the heated product' of claim 1 is vague and unclear (Art. 6 PCT). Any heating step (in a tank or tube, cf. description p.6) is regarded as comprising a stationing step.

V.1.1/ The subject-matter of claims 1, 2 and 4 is not new over D1 (cf. fig.8; col.2, l.10-46; col.2, l.53 to col.3, l.49; col.3, l.56-66; col.4, l.6 to col.5, l.36), disclosing a process for making juice or puree wherein fruits are disintegrated (with optionally simultaneous refining) and heated, the obtained juice being recycled upstream of the disintegrator. In another embodiment, the refining step follows the heating step.

V.1.2/ The subject-matter of claims 1, 2 and 4 is not new over D2 (cf. figure; p.1, l.42-89; p.2, l.9 to p.3, l.31; p.3, l.78-103), disclosing a process for making fruit juice wherein fruits are shredded, the juice and pulp are heated and separated (extractor), the pulp obtained is refined and the refined juice is recycled to the heating step.

V.1.3/ The subject-matter of claims 1 and 4 is not new over D3 (cf. figures; col.1, l.1-8; col.3, l.50 to col.4, l.31) disclosing a process for making fruit puree wherein fruits are strained and refined, the refined pulp is heated and recycled to the heating step.

V.1.4/ The subject-matter of claims 1, 2 and 4 is not new over D4 (cf. p.2, l.66-129; example; figure), disclosing a process for making tomato juice wherein tomatoes are comminuted, heated and refined, the refined juice being recycled to the comminuting / heating step.

V.1.5/ The subject-matter of claims 1 and 6 is not new over D5 (cf. p.3, l.30-57) disclosing a process for making tomato products wherein fruits are chopped, heated and refined. D5 mentions that in conventional processes, the tomato residue can be incorporated into the chopped tomatoes.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/IT2004/000313

V.1.6/ The subject-matter of claims 1 and 4 is not new over D6 (cf. figure 1; p.2, l.8 to p.3, l.30) disclosing a process for fruit puree or juice wherein fruits are chopped, heated and refined, the finished juice being introduced at the heating step.

V.1.7/ The subject-matter of claim 1 is not new over D7 (cf. figure; p.2, l.65-119) disclosing a process for making tomato pulp wherein fruits are chopped and heated, the heated product is recycled (stationing step) to the chopping stage, then refined.

V.2/ Dependent claims 3 and 5 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step. Indeed, having regard to the claimed process and the prior art known from D1-D7, it is considered that the person skilled in the art would regard the process of the present invention as an obvious alternative to those known. Therefore, this process does not fulfill the requirements of Art.33(3) PCT.